

M e m o r a n d u m

Date: January 26, 2010

To: Office of the Commissioner
Attention: Commissioner J. A. Farrow

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Office of the Assistant Commissioner, Inspector General

File No.: 005.9968.16698.010

Subject: FINAL 2009 COMMAND EVIDENCE INSPECTION OF THE
CONTRA COSTA AREA

I am issuing this final inspection report of the Contra Costa Area pursuant to Government Code (GC) §13887, the California Highway Patrol (CHP) Audit Charter and CHP Audit Plan. The inspection focused on the command's evidence system pursuant to departmental policy set-forth in Chapter Two, *Command Evidence* of Highway Patrol Manual (HPM), 22.1, *Command Inspections Program Manual*, and HPM 70.1, *Evidence Manual*.

This inspection was conducted using methodology #3, as presented in HPM 22.1. This is a five step process, which consists of selecting an item in the Area Information System (AIS); locating the item in the Evidence/Property Log; reviewing the corresponding CHP 36, Evidence/Property Receipt/Report; locating the evidence/property item; and verifying the current disposition of the item.

The inspection consisted of examining a stratified random sampling of all categories of evidence/property in the AIS. There were a total of 1284 active, 1171 closed, and 22 voided evidence/property numbers in the AIS. The evidence numbers were broken down according to their respective categories within AIS. The evidence numbers associated with closed and voided items were kept separate from the active items. To achieve a statistically defensible sample with a 95 percent confidence level and a plus or minus five percent error rate, 62 items from the active and 59 from the closed were inspected. Each category from AIS was stratified to ensure each group was proportionally represented in the sample. The internet web site "randomizer.org" was utilized to randomly select evidence numbers from each stratified category as well as the closed numbers.

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The inspection findings for the Contra Costa Area are as follows:

1. The Area uses an outdoor storage shed which is not in compliance with policy, as the door hinges are exterior. The shed also has large vents in the walls, which is not a violation of policy, but a security risk.
2. A total of 17 of 62 active pieces of evidence were associated with drugs. On all of these items, the chain of custody is tracked only on the county's drug envelope, not on CHP 36 form cardstock as required by policy.
3. A CHP 36 form associated with a gun and two CHP 36 forms associated with destroyed property did not have the evidence officer's proper signature.
4. The Area does not keep copies, nor does it consistently attach copies of CHP 36 forms to the Area's CHP 230 forms, Transmittal Record.
5. The Area's quarterly Area evidence audits/inspections are not consistently being completed.

The Contra Costa Area Commander agreed with the findings and has taken corrective action to improve command operations related to the command's evidence system. The Commander's response is attached and is incorporated into this final report.

In accordance with the *International Standards for the Professional Practice of Internal Auditing* and Government Code §13887 (a) (2), this report, the response, and any follow-up documentation is intended for the Office of the Commissioner; Office of the Assistant Commissioner, Field; Office of the Assistant Commissioner, Inspector General; Office of Legal Affairs; Office of Inspections; and Golden Gate Division. Please note this report restriction is not meant to limit distribution of the report, which is a matter of public record pursuant to Government Code §6250 et seq. Furthermore, in accordance with the Governor's Executive Order S-20-09 to increase government transparency this report will be posted on the CHP's internet website, and on the Office of the Governor's webpage, located on the State's Government website.

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Golden Gate Division has reviewed the corrective action taken by the Contra Costa Area and has concluded that all previously identified deficiencies have been resolved. As a result no further reporting is required by the Contra Costa Area and the matter is considered closed.

The Office of Inspections would like to thank the Contra Costa Area's management and staff for their cooperation during the inspection. If you need further information, please contact me or Assistant Chief Ken Hill at (916) 843-3005.


M. C. A. SANTIAGO, CIG
Assistant Commissioner

Attachment

cc: Office of the Assistant Commissioner, Field
Office of Legal Affairs
Office of Inspections
Golden Gate Division
Contra Costa Area

M e m o r a n d u m

Date: September 16, 2009

To: Office of Inspections

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Contra Cost Area

File No.: 320.10458.12919

Subject: **RESPONSE TO CONTRA COSTA AREA COMMAND EVIDENCE
INSPECTION**

This memorandum is intended to serve as the written response to the command evidence inspection report of the Contra Costa Area as required by the Office of Assistant Commissioner, Inspector General's memorandum dated July 14, 2009.

FINDINGS REQUIRING FOLLOW-UP:

Finding 1 – Agree. The Area requested an X-Number Service Order to address the outdoor storage shed's exterior door hinges and security modifications for the vents. The work was completed by Sun Valley Doors & Windows Inc. on July 28, 2009.

Finding 2 – Agree. The evidence associated with drugs is now being tracked on the County's drug envelopes and on the CHP 36 cardstock as required by policy. During the OISP inspection, the Evidence Officer was informed of this discrepancy and immediately corrected the discrepancy. The Evidence Officer received formal training from the Office of Investigations on August 4-5, 2009, where this issue was discussed and reiterated during the training session. During the quarterly audits, the Administrative Sergeant will continue to randomly select evidence and double check for signatures as required by policy.

Finding 3 – Agree. During the OISP inspection, the Evidence Officer was informed of this discrepancy and took immediate action to prevent any further discrepancies in this area. The Evidence Officer received formal training from the Office of Investigations on August 4-5, 2009, where this issue was discussed and reiterated during the training session. During the quarterly audits, the Administrative Sergeant will continue to randomly select evidence and double check for signatures as required by policy.

Finding 4 – Agree. During the OISP inspection, the Administrative Lieutenant and the Office Services Supervisor (OSS-I) were informed that the Area does not consistently keep copies, nor does it attach copies of CHP 36 to the Area's CHP 230, Transmittal Record. The Administrative Lieutenant reviewed the CHP 230, Transmittal Record files and requested training for clerical personnel on the handling procedures of Area's CHP 230. The OSS-I

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implemented procedures to resolve the discrepancy. At the end of the third quarter, selected personnel will be formally trained on the processing and handling of Area's CHP 230, Transmittal Record. The Administrative Lieutenant reviews weekly the Area's CHP 230, Transmittal Records, which includes a focused review of the CHP 36 and the required copies attached to the CHP 230. Additionally, Area initiated a quarterly voluntary self-inspection of the CHP 230s commencing with the third quarter. During the third quarter voluntary self-inspection, there were no discrepancies noted (See Attachment A).

Finding 5 – Agree. The Area's quarterly Area evidence audits/inspections were not consistently completed. The Area was informed of this discrepancy and immediately corrected the discrepancy. The Area is now current on the quarterly audits/inspections (See Attachment B). The Area Commander will continue to suspense the evidence audits/inspections to ensure they are conducted and completed on time.

Questions regarding this response may be directed to Lieutenant Wallace via e-mail at ewallace@chp.ca.gov or by telephone at (925) 646-4980.



J. U. CAHOON, Captain
Commander

Attachments

cc: Office of Assistant Commissioner, Field
Golden Gate Division